

**REMARKS**  
**Reconsideration and Allowance**  
**are Respectfully Requested**

Reconsideration of this application is respectfully requested in view of the remarks that follow.

Claims 1, 4-6 and 8-38 are currently pending. Claims 1-4, 6 and 8-35 are allowed. No claims have been canceled. No claims have been added. No new matter has been added. Reconsideration is respectfully requested.

Claim 36 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,141,448 to Khansari et al. in view of U.S. Patent No. 6,298,055 to Wildfeuer. This rejection is respectfully traversed as being based upon impermissible hindsight.

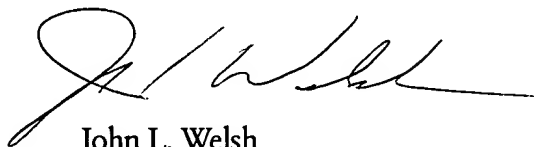
It is agreed that Khansari fails to teach packaging media frames and protocol parameters in accordance with the bit rate. Thus, the Wildfeuer reference must not only teach this claimed limitation, but it must teach it to be obvious to combine with the system of Khansari. Wildfeuer does neither. Wildfeuer merely teaches a packet voice transmitter. The motivation of efficient use of bandwidth is not found in the Wildfeuer reference. In fact, the motivation suggested is that of Applicant. Ergo, the rejection is based upon impermissible hindsight.

Still further, the reference to Khansari merely discusses in the background a class of coders known as rate-adaptive source coders. It makes no mention of monitoring the available bandwidth, detecting the available bandwidth, establishing a bit rate for transmission in accordance with said detected available bandwidth.

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicants' representative at the below number.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. L. Welsh', with a long horizontal flourish extending to the right.

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